

1 Adopt 2 Cal. Code Regs. Section 18225.7 to read:

2 **18225.7. Made at the behest of; coordinated expenditures.**

3 (a) For purposes of this title, “made at the behest of” refers to an expenditure made under
4 the control or at the request or suggestion of, with the express prior consent of, or in coordination
5 with, a candidate. Throughout this section, expenditures “in coordination with a candidate”
6 include expenditures made through any arrangement with, or in consultation, concert or
7 cooperation with, a candidate. As used in this section, the term “candidate” includes the
8 candidate’s controlled committee and the agent of either. An agent of a candidate or controlled
9 committee is any person who has actual oral or written authority, whether express or implied, to
10 make or to authorize another person to make expenditures on behalf of the candidate or
11 committee, and any person who serves the candidate or committee in an executive, policymaking,
12 or advisory capacity, with or without compensation.

13 (b) An expenditure made under the control of, at the request or suggestion of, with the
14 express prior consent of, or in coordination with a candidate, is a “contribution” under
15 Government Code sections 82015 and 85500(b).

16 (c) An expenditure is coordinated with a candidate, if

17 (1) the expenditure is made by or through the candidate, or

18 (2) the expenditure is made by a person, other than a candidate, to fund a communication
19 which is created, produced or disseminated

20 (A) at the request or suggestion of, or in consultation with, a candidate who is clearly
21 identified in the communication, as defined in 2 Cal. Code Regs. section 18225(b)(1)(A), or whose
22 opponent is similarly identified in the communication, or

23 (B) after a candidate has made or participated in making any decision regarding the

1 content, timing, location, mode, intended audience, volume of distribution, or frequency of
2 placement of a communication relating to clearly identified candidates, or

3 (C) after discussion or negotiation between the creator, producer or distributor of a
4 communication relating to clearly identified candidates, or the person paying for that
5 communication, and a candidate, regarding the content, timing, location, mode, intended
6 audience, volume of distribution or frequency of placement of that communication, the result of
7 which is agreement on any of these topics.

8 (d) In addition to the rule provided in subdivision (c) of this regulation, there shall be a
9 rebuttable presumption that an expenditure for a communication relating to clearly identified
10 candidates is coordinated with a candidate when

11 (1) the person making the expenditure is serving, or has served within twelve months prior
12 to the expenditure, in a formal executive, policymaking, or advisory position with the candidate, or

13 (2) the person making the expenditure has retained the professional services of a person
14 who is providing, or within twelve months prior to the expenditure, has provided the candidate
15 with non-ministerial, campaign-related services, including polling or other campaign research,
16 media consulting or production, direct mail, or fundraising services, or

17 (3) the communication is based on information, not generally available to the public,
18 regarding the candidate's campaign needs or plans, furnished to the person making the
19 expenditure by the candidate, or

20 [(4) the communication replicates, reproduces, republishes, or disseminates, in whole or in
21 part, a communication designed, produced, paid for or distributed by the candidate, or

22 (5) prior to publication or dissemination of the communication, the person making the
23 expenditure informs the candidate for whose benefit the expenditure is made about the

1 communication's contents, timing, location, mode, or frequency of dissemination or distribution,
2 or intended audience.]

3 (e) An expenditure is not coordinated with a candidate or committee merely when

4 (1) A person interviews a candidate on issues affecting the person making the expend-iture,
5 provided that prior to making the expenditure, that person has not communicated with the
6 candidate or the candidate's agents concerning the expenditure, or

7 (2) The person making the expenditure has obtained a photograph, biography, position
8 paper, press release, or similar material from the candidate or the candidate's agents.

9 NOTE: Authority cited: Section 83112, Government Code.

10 Reference: Sections 82015, 82025, 82031 and 85500, Government Code.